IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

APR 24 2008

Gregory P. WINTER, et al.

Atty. Ref.: 620-122; Confirmation No. 5109

Appl. No. 09/722,364

TC/A.U. 1636

U.S. Patent No. 6,545,142

Examiner: KETTER

Filed: November 28, 2000

For: SINGLE DOMAIN LIGANDS, RECEPTORS COMPRISING SAID LIGANDS.

METHODS FOR THEIR PRODUCTION AND USE OF SAID LIGANDS AND

RECEPTORS

April 24, 2008

Mail Stop Petitions Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

RECEIVED

APR 3 0 2008

Sir:

OFFICE OF PETITIONS

RULE 182 PETITION

Grant of the present Rule 182 Petition and the attached Request for Certificate of Correction, are requested.

The patentee in the above-identified patent requests that the Patent Office issues an official Certificate of Correction pursuant to Rule 323 for the following mistakes made by the applicants.

Specifically, the patentee has recently noted that the front page of the patent and the first paragraph of the patent text fail to correctly identify the parent Application No. 07/580,374 as a continuation of Application No. PCT/GB89/01344, filed November 15, 1989.

04/25/2008 SZEWDIE1 00000017 6545142

Ø2 FC:1462

400.00 OP

Appl. No. 09/722,364

Atty. Ref.: 620-122

April 24, 2008

RULE 182 PETITION

The present application was filed November 28, 2000, (i.e., prior to November 29, 2000) and was issued as U.S. Patent No. 6,545,142 on April 8, 2003.

The present application was filed with a copy of the Declaration from the parent Application No. 07/580,374 and a Preliminary Amendment to the specification which did not identify the benefit claim under 35 U.S.C. § 120 to Application No. PCT/GB89/01344.

While the parent Application No. 07/580,374 properly identified the relationship to the Application No. PCT/GB89/01344 in a Preliminary Amendment, the Declaration filed in Application No. 07/580,374 did not include the benefit claim to Application No. PCT/GB89/01344, under 35 U.S.C. § 120.

The specification has been amended in the attached draft Certificate of Correction to correct the cross-reference to the parent applications.

The undersigned is filing concurrently a Rule 78(a)(3) Petition and Amendment in related Application No. 10/290,233; Requests for Certificates of Correction and Rule 182 Petition in U.S. Patent No. 6,248,516; a Request for a Certification of Correction and Rule 78(a)(3) Petition in U.S. Patent No. 7,306,907; and an Amendment and Rule 182 Petition in each of Application Nos. 07/580,374, 07/796,805 and 08/332,046, which each claim benefit of Application No. PCT/GB89/01344, through the continuation Application No. 07/580,374.

In reviewing the priority claim for Application No. 10/290,233, the undersigned has now appreciated that the Patent Office records with regard to the priority claim to Application No. PCT/GB89/01344 in the present application and prior and subsequent

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applications is incorrect. A copy of the PTO PALM IN APPLICATION DATA SHEET from the parent Application No. 07/580,374 is attached. A copy of the corrected Declaration filed April 15, 1993 in the parent Application No. 07/796,805 is also attached.

The undersigned has spoken with Ms Hicks, formerly of the Patent Office, regarding a previous unrelated matter with similar circumstances and been directed to the following passage from the Patent Office web site

(http://www.uspto.gov/web/offices/dcom/olia/aipa/18monthfaq.htm#cx4):

CX14. Can applicant add a benefit claim of a prior-filed non-provisional application in a later-filed copending application that has been abandoned without filing a petition to revive the later-filed application? (added 4Feb2005)

Yes, a petition to revive the later-filed application is not required when applicant is adding a benefit claim by filing an amendment (or an application data sheet) to add the specific reference of the prior-filed non-provisional application. A petition under 37 CFR 1.78(a)(3), however, is required if the later-filed application is a utility or plant application filed on or after November 29, 2000. If the later-filed application is a utility or plant application filed before November 29, 2000, a petition under 37 CFR 1.182 is required.

More recently, the undersigned spoke with Mr. Tony Knight of the USPTO Petitions Branch, on March 6, 2008, to confirm that the Amendments and Petitions filed in the parent Application Nos. 07/580,374, 07/796,805 and 08/332,046, as well as the attached Petition in the above, should be sufficient to correct the PTO records with regard to the priority claim and relation to the PCT application.

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RULE 182 PETITION

The Petitions and Amendments in the now abandoned priority applications are being filed based on the above and, to the extent applicable, *Sampson v*.

Commissioner, 195 USPQ 136 (D.D.C. 1976).

The Rule 17(f) fee is being filed herewith (code 1462 - \$400). A Rule 20(a) fee is being filed herewith (code 1811 - \$100).

Correction of the Patent Office records with regard to the applicants claim for priority benefit and issuance of a Certificate of Correction in the above and grant of the present Petition, are requested.

The Office is authorized to charge the undersigned's Deposit Account No. 14-1140 for any deficiencies in fees required for consideration, grant and/or issuance of the present paper and attached.

The Office is requested to contact the undersigned in the event anything further is required in this regard.

Respectfully submitted,

NIXON & VANDERHYE P.C.

Ву:	/B. J. Sadoff/
	B. J. Sadoff
	Reg. No. 36,663

BJS:

901 North Glebe Road, 11th Floor

Arlington, VA 22203-1808 Telephone: (703) 816-4000 Facsimile: (703) 816-4100

Attached:

Transmittal Letter with Charge authorization, Draft Certificate of Correction,

Appl. No. 09/722,364 Atty. Ref.: 620-122

April 24, 2008

RULE 182 PETITION

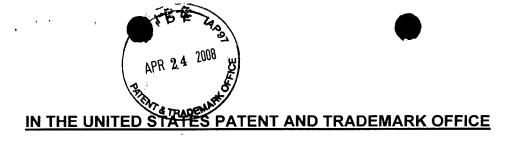
copy of the PTO PALM IN APPLICATION DATA SHEET from the parent Application No. 07/580,374,

copy of the corrected Declaration filed April 15, 1993 in the parent Application No. 07/796,805,

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REQUEST FOR CERTIFICATE OF CORRECTION UNDER 37 CFR § 1.323.



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Specifically, the patentee has recently noted that the front page of the patent and the first paragraph of the patent text fail to correctly identify the parent Application No. 07/580,374 as a continuation of Application No. PCT/GB89/01344, filed November 15, 04/25/2608 SZEWDIE1 00000017 6545142

01 FC:1811

100.00 OP

Appl. No. 09/722,364

Atty. Ref.: 620-122

April 24, 2008

REQUEST FOR CERTIFICATE OF CORRECTION UNDER 37 CFR § 1.323

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April 24, 2008

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Respectfully submitted,

NIXON & VANDERHYE P.C.

By:	/B. J. Sadoff/	
•	B. J. Sadoff	_
	Reg. No. 36,663	

BJS:

901 North Glebe Road, 11th Floor Arlington, VA 22203-1808 Telephone: (703) 816-4000

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Transmittal Letter with Charge authorization,
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Rule 17(f) fee (code 1462 - \$400),

Rule 20(a) fee (code 1811 - \$100), and

Rule 182 Petition.

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO.

: 6,545,142

DATED

: April 8, 2003

INVENTOR(S)

: Gregory P. WINTER, et al

It is certified that error appears in the above-identified patent and that said letters patent is hereby corrected as shown below:

On the face, item (60): delete "Continuation of application No. 08/470,031, filed on Jun. 6, 1995, now Pat. No. 6,248,516, which is a divisional of application No. 08/332,046, filed Nov. 1, 1994, now abandoned, which is a continuation of application No. 07/796,805, filed Nov. 25, 1991, now abandoned, which is a division of application No. 07/580,374, filed Sep. 11, 1990, now abandoned.", and insert therefor -- Continuation of application No. 08/470,031, filed on Jun. 6, 1995, now Pat. No. 6,248,516, which is a divisional of application No. 08/332,046, filed Nov. 1, 1994, now abandoned, which is a continuation of application No. 07/796,805, filed Nov. 25, 1991, now abandoned, which is a division of application No. 07/580,374, filed Sep. 11, 1990, now abandoned, which is a continuation of application no. PCT/GB89/01344, filed Nov, 15, 1989.--

On the face, item (30), delete the following last line: "Nov 13, 1989 (GB) PCT/GB89/01344 "

Column 1, lines 6-12, delete the following: "This is a continuation of application Ser. No. 08/470,031, filed Jun. 6, 1995, now U.S. Pat. No. 6,248,516, which is a divisional of Ser. No. 08/332,046, filed Nov. 1, 1994; now abandoned; which is a continuation of Ser. No. 07/796,805, filed Nov. 25, 1991 now abandoned, which is a divisional of Ser. No. 07/580,374, filed Sep. 11, 1990, abandoned the entire content of which is hereby incorporated by reference in this application." and insert the following therefor: --This is a continuation of application Ser. No. 08/470,031, filed Jun. 6, 1995, now U.S. Pat. No. 6,248,516, which is a divisional of Ser. No. 08/332,046, filed Nov. 1, 1994; now abandoned; which is a continuation of Ser. No. 07/796,805, filed Nov. 25, 1991 now abandoned, which is a divisional of Ser. No. 07/580,374, filed Sep. 11, 1990, abandoned,, which is a continuation of application no. PCT/GB89/01344, filed Nov, 15, 1989, the entire content of which is hereby incorporated by reference in this application.--

MAILING ADDRESS OF SENDER:

PATENT NO.

6,545,142

No. of addl' @ 50¶ per page

B. J. Sadoff NIXON & VANDERHYE P.C. 901 North Glebe Road, 11th Floor Arlington, Virginia 22203

Form PTO 1050 (Rev. 2-93)

PTO-103X (Rev. 7-93)

FILING RECEIPT



UNITED STATES DEPARTMENT OF COMMERCE THE and Trademark Office ASSISTANT SECRETARY AND COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231

APPLICATION NUMBER FILING D	ATE GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET N	O. DRWGS	TOT CL	IND CL
08/332,046 11/01/		\$972.00	620-3	23	31	1

NIXON & VANDERHYE 1100 NORTH GLEBE ROAD 8TH FLOOR ARLINGTON VA 22201

Receipt is acknowledged of this patent application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FR.ING DATE, NAME OF APPLICANT, and TITLE OF RIVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Application Processing Division's Customer data presented on this receipt. Please provide a copy of the Filing Receipt with the changes noted thereon.

Applicant(s)

GREGORY P. WINTER, CAMBRIDGE, UNITED KINGDOM; ELIZABETH S. WARD, CAMBRIDGE, UNITED KINGDOM; DETLEF GUSSOW, CAMBRIDGE, UNITED KINGDOM.

CONTINUING DATA AS CLAIMED BY APPLICANT-THIS APPLN IS A CON OF 07/796,805 11/25/91 WHICH IS A DIV OF 67/580,374 09/11/90

ABN

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FOREIGN/PCT	GREAT GREAT GREAT GREAT	BRITAIN BRITAIN BRITAIN BRITAIN BRITAIN BRITAIN BRITAIN BRITAIN BRITAIN	8906034.7 8909217.5 8911047.2 8912652.8 8913900.0	11/11/88 03/16/89 04/22/89 05/15/89 06/02/89 06/16/89 08/15/89 11/13/89

SINGLE DOMAIN LIGANDS, RECEPTORS COMPRISING SAID LIGANDS, METHODS FOR THEIR PRODUCTION AND USE OF SAID LIGATOS AND RECEPTORS

PRELIMINARY CLASS: 435



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OFFICE OF PETITIONS

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the specification of which (ch	eck applicable box(s))	:	•		
[] is attached hereto.					
(Y) was filed on November 25.	1991 as U	.S. Application	Serial No. <u>07/796,805</u>		 •
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Application Number		Count	гу		Day/Month/Year Filed
		United Kingd	_ Off		11 November 1988
8826444.5		United Kingd			16 March 1989
8906034.7		United Kingd			
8909217.5	·	United Kingd			15 May 1989
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8913900.0		United Kingo	on		16 June 1989
		United Kingo	lon	11 11	15 August 1989
8918543.3 I hereby claim the benefit wm	der 35 U.S.C. 120/365	of all prior Unit	ed States and PCT inte	rnational appl	n such prior amlica-
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H. Nelson, 30481; John R. La	SLOVA, 33149; H. Marrel	burnasi, Jr., 4	/ - /	32200,	
3) Inventor's Signature) of Car	7	HL 880	Date	4.3.93
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OFFICE OF PETITIONS

Nixon & Vanderhye P.C. (6/92)

RULE 63 (37 C.F.R. 1.63) DECLARATION AND POWER OF ATTORNEY

١	a below named inventor, I hereby declare that my residence, post office address and citizenship are	as stated below next to
ΝS	name, and I believe I am the original first and sole inventor (if only one name is listed below) or	an original, first and
ny	name, and I believe I am the original list and sole involved to the public in claimed and for which	a patent is sought on
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STRUCK DOMAIN LIGARDS. RECEPTORS COMPRISING	SAID LIGANDS, METHODS FOR THEIR PRODUCTION	AND USE UP SAID DIGHNOS AND RECEIVED
the specification of which (check applicable	e box(s)):	
1) is attached hereto.	U.C. Amplication Coming No. 07/796	805
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Application Runber	Country	Day/Month/Year Filed
7	United Kingdon	11 November 1988
8826444.5	United Kingdon	16 March 1989
8906034,7	United Kingdon	44 APT11 1303
<u>8909217,5</u>	United Kingdom	15 May 1989
8911047.2	United Kingdon	2 June 1989
8912652.8	United Kingdom	16 June 1989
8913900.0 8918543.3	United Kingdon	15 August 1989
I hamabu alaim the honofit under 35 H S C	120/365 of all prior United States and PC	international applications listed above
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tions in the manner provided by the first i	paragraph of 35 U.S.C. 112, I acknowledge	the duty to disclose material intotration
as defined in 37 C.F.R. 1.56(a) which occu	rred between the filing date of the prior	applications and the national or PCT inter-
national filing date of this application:		
Prior U.S./PCT Application(s):		Status: patented,
Application Serial No.	Day/Month/Year Filed	pending, ahandoned
07/580,374		
	11 September 1990 Abandoned (Per	ding as of filing date of SN 07/796,805)
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PCT/GB89/01344 I hereby declare that all statements made	13 November 1989 herein of my own knowledge are true and the	Abandoned It all statements made on information and
PCT/GB89/01344 I hereby declare that all statements made belief are believed to be true; and further	13 November 1989 herein of my own knowledge are true and the r that these statements were made with the	Abandoned It all statements made on information and knowledge that willful false statements an
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